

Jolene F. LaVigne-Albert
Partner

211-612-0685
jlavignealbert@schlamstone.com

Schlam Stone
& Dolan LLP

26 Broadway, New York, NY 10004
Main: 212 344-5400 Fax: 212 344-7677
schlamstone.com

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BY ECF PACER

Hon. Valerie E. Caproni
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

USDC SDNY
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Re: *Libra Max v. Barbara H. Urbach Lissner*, Case 1:22-cv-05070
Opposition to Defendant's Motion to Seal

Dear Judge Caproni:

This firm represents Plaintiff Libra Max in this action. We write in response to the letter motion filed yesterday evening by Defendant Barbara Lissner (Document No. 12), seeking permission to seal documents she filed in support of her motion to dismiss.

As counsel for Ms. Lissner knows, Plaintiff's lead counsel, Jeffrey M. Eilender, is on a long-planned vacation on the west coast and will not be in a position to submit an opposition to the letter motion until next Thursday (July 14, 2022). Defense counsel did not reach out to Plaintiff's counsel regarding the issue of sealing until late afternoon Wednesday, July 6, and did not send all documents for which sealing is sought until yesterday, July 8. Mr. Eilender offered to extend Defendant's deadline to make her motion to dismiss to give the parties time to meaningfully confer on what, if anything, should be sealed. There is no urgency to Defendant's motion to dismiss or the sealing motion.

Thus, we respectfully request that Plaintiff be given until at least Thursday, July 14, to respond to Defendant's letter motion. Among other things, contrary to opposing counsel's representation, the underlying guardianship case is not sealed.

We thank the Court in advance for accommodating Mr. Eilender's vacation.

Respectfully submitted,



Jolene F. LaVigne-Albert

cc: All counsel (by ECF Pacer)

Defendant's motion to seal (Dkt. 12) is GRANTED, subject to the parties meeting and conferring over which, if any, of the documents meet the *Lugosch* standard for sealing. The parties must file a joint letter by no later than **July 19, 2022** addressing which documents (or portions thereof) require sealing, if any. If the parties are unable to reach agreement, the letter must indicate which documents remain in dispute and propose a briefing schedule on the issue.

SO ORDERED.



Date: 7/12/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE